

1 BILL NO. S-96-03-10

2 SPECIAL ORDINANCE NO. S-25-96

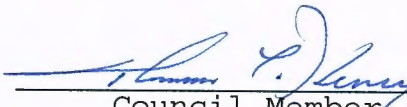
3 AN ORDINANCE approving payment to
4 the Allen County Public Library for
5 acquisition of certain capital
6 equipment necessary for the
7 operation of the Fort Wayne City
8 Government/Channel 18 and for
9 enhancement of the public access
10 facilities at the Allen County
11 Public Library in connection with
12 the Inter-Local Agreement for
13 Operation and Development of
14 Government Cable Channel between the
15 City of Fort Wayne and the Allen
16 County Public Library.

17 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON
18 COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

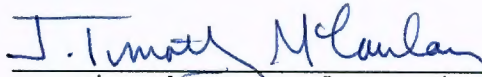
19 SECTION 1. That the payment to the Allen
20 County Public Library for acquisition of certain capital
21 equipment necessary for the operation of the Fort Wayne
22 City Government/Channel 18 and for enhancement of the
23 public access facilities at the Allen County Public
24 Library in connection with the Inter-Local Agreement for
25 Operation and Development of Government Cable Channel
26 between the City of Fort Wayne and the Allen County
27 Public Library is hereby affirmed and approved in all
28 respects.

29 SECTION 2. That payment for certain capital
30 equipment and enhancement of the public access facilities
31 at the Allen County Public Library involves a total cost
32 of One Hundred Thirty-Two Thousand, Seven Hundred Ninety-
33 Two and no/100 Dollars (\$132,792.).

1 SECTION 3. That this Ordinance shall be in
2 full force and effect from and after its passage and any
3 and all necessary approval by the Mayor.

4
5 
6 Council Member

7 APPROVED AS TO FORM
8 AND LEGALITY

9 
10 J. Timothy McCaulay, City Attorney

C I T Y O F

F O R T W A Y N E

MEMO

To: Fort Wayne Common Council Members
From: Government Access Channel Editorial Board (Mary Tyndall, Sandy Kennedy, Mary Jane Slaton)
Subject: Government Access Channel Funding
Date: March 19, 1996

The Government Access Editorial Board requests your approval of payment in the amount of \$132,792 to the Allen County Public Library. Rick Hayes, Allen County Public Library employee and interim Channel 18 coordinator, has asked that the money be transferred to the library in order to purchase equipment for Channel 18. This money would come from cash payments made by Comcast Cablevision to the City of Fort Wayne, as outlined in the franchise agreement.

The money will be used to purchase remote production studio equipment for Channel 18, origination equipment for Channel 18 programs, as well as camcorders and other production equipment. The Editorial Board has been working closely with Rick Hayes to outline plans for Channel 18. We are excited about Channel 18's potential to inform the public and we will keep you up to date on our progress.

BILL NO. R-95-12-23

RESOLUTION NO. R-01-96

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, APPROVING AN INTER-LOCAL AGREEMENT WITH THE ALLEN COUNTY PUBLIC LIBRARY FOR THE OPERATION AND DEVELOPMENT OF THE FORT WAYNE GOVERNMENT CABLE TELEVISION CHANNEL.

WHEREAS, the City of Fort Wayne Cable Television Franchise Agreement requires the establishment of a Government Access Channel on the cable television system; and

WHEREAS, the City of Fort Wayne is desirous of developing its Government Access Channel for the purpose of informing the citizens of Fort Wayne about their City government; and

WHEREAS, the Allen County Public Library has experience and expertise in developing and operating public access cable channels; and

WHEREAS, the Fort Wayne Board of Public Works has entered into an Inter-local Agreement with the Allen County Public Library for the Operation and Development of the Fort Wayne Government Cable Channel and the Board further recommends that the Fort Wayne Common Council ratify and approve said Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council of the City of Fort Wayne, Indiana, hereby ratifies and approves the Inter-local Agreement

between the Allen County Public Library for the Operation and Development of the Fort Wayne Government Cable Channel and the Fort Wayne Board of Public Works, attached hereto and made a part hereof.

SECTION 2. That this Resolution shall remain in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta

Council Member

Read the third time in full and on motion by Henry, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine

Bender, Crawford, Edmonds, Hall, Hayhurst,

Henry, Lunsey, Ravine, Schmidt

NAYS: None

ABSTAINED: None

ABSENT: None

DATED: 1-9-96

Sandra E. Kennedy

City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-01-96 on the 9th day of January, 1996

ATTEST:

(SEAL)

Sandra E. Kennedy

Don J. Schmidt

City Clerk

Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne,
Indiana, on the 10th day of January, 1996, at the hour of 11:30
o'clock A.M.,E.S.T.

Sandra E. Kennedy

City Clerk

Approved and signed by me this 11th day of January, 1996,
at the hour of 5:00 o'clock P.M.,E.S.T.

Paul Helmke

Mayor

11-95-12-23

INTER-LOCAL AGREEMENT
FOR
OPERATION AND DEVELOPMENT
OF
GOVERNMENT CABLE CHANNEL

THIS AGREEMENT made and executed this 20 day of DECEMBER 1995, and effective the first day of January, 1996, between the Allen County Public Library, hereinafter "ACPL" and the City of Fort Wayne, hereinafter "City" is an inter-local agreement for the purposes of securing technical services from ACPL for offering a communication center/government channel.

Recitals:

WHEREAS, the current cable T.V. licensing agreement with Comcast Cable Corporation provides for a full-time government channel and,

WHEREAS, full-time channel access will not be available until approximately two years from the implementation of this agreement and,

WHEREAS, the City desires to increase and improve programming on the government channel, beginning immediately and insofar as is possible in the restricted times available and,

WHEREAS, during that time, it will be necessary to acquire certain personnel and equipment to begin development of the government channel and,

WHEREAS, ACPL has experience and expertise in developing and operating public access cable channels.

NOW THEREFORE in consideration of the foregoing and the mutual covenants hereinafter contained, the sufficiency of which consideration is accepted, ACPL and City agree as follows:

1. Term: This agreement shall extend for a period of five (5) years from the effective date thereof unless sooner terminated by either party under the provisions of paragraph six (6) and may be renewed upon mutual agreement of the parties. Negotiations concerning renewal shall commence at least 120 days prior to expiration.
2. Purpose: The purpose of this agreement is to provide for the development, equipping, and operation of a government cable T.V. channel.

3. **Budgeting:**
 - A. Funding for government programming shall be derived from Cable Fund dollars allocated to the government channel under City Ordinance Number G-27-95, or any other applicable ordinance, together with other funds as and if made available by the City. ACPL shall not be obligated to supplement these funds in any manner from its own resources or from any other source.
 - B. ACPL shall annually, by the first day of November of each year, propose a budget and scope of services for the coming year, as well as a long range plan for the remaining term of this agreement and shall submit the proposal to the Editorial Board.
4. **Editorial Board:** The City will establish the Government Channel Editorial Board consisting of three members:
 - a. One (1) designated by the Mayor
 - b. One (1) designated by the Common Council
 - c. One (1) selected by mutual agreement of the first two, each to serve at the pleasure of the appointing body.

The Government Channel Editorial Board will have the power and authority to:

- d. Select from among its members one person who shall serve as its Chair and who shall be the single person through whom all official communications to and from ACPL shall pass.
 - e. Develop, maintain, review, and enforce editorial policies for the government channel.
 - f. Set and resolve questions of conflict among priorities for programming, playback times, and use of equipment.
 - g. Review the budget, scope of services for the coming year, and long-term plans for the government channel as presented by ACPL.
5. **Scope of Service**
 - A. **Initial Year**

In the first year of this agreement, ACPL will:

 1. Purchase portable studio equipment for origination facility in City-County Building.
 2. Purchase equipment for playback of government programs.
 3. Retain degreed professional as full-time coordinator for government channel.
 4. Cablecast City Council meetings beginning two weeks after signing (using three cameras and an experienced crew).
 5. Evaluate and recommend improvements to existing sound system

6. Produce standard opening and close for council cablecast.
7. Produce screening of agenda and programs relating to content of issues to be addressed during the meetings.
8. Produce and run promotions for council meeting to be cablecast on channel 10.
9. Train City staff in video production and provide trained channel 10 volunteers to help with productions.
10. Assist City in identifying existing programming of benefit to City departments.

Additionally, the following services will be performed upon request and when technically feasible:

11. Cablecast at least one other city agency meeting per week: live, or tape depending on facility availability.
12. Cablecast live call-in programs for city officials bi-weekly (produce at channel 10 studios).
13. Cablecast special events such as Lincoln Leadership Conference, live or taped, depending on facility availability.
14. Produce programs featuring City departments and functions.
15. Provide personnel and equipment to cablecast any emergency messages to be cablecast over the government channel.
16. Assist City with teleconferencing and program development.

ACPL shall not be obligated to perform any such action unless the request or approval to do so shall have been communicated to the Government Access Coordinator by the Chair of the Editorial Board.

B. Long Range Goal

The current long range objective is to cablecast 168 hours a week on the government channel. Until the channel becomes available full-time, ACPL will use the budgeted funds to train personnel; to acquire equipment that will be used in the operation of the channel; and to produce programming to be cablecast on the government channel at times specified by the City.


6. **Termination:** This agreement is subject to annual distribution of cable access dollars and appropriation by the common council of the City of Fort Wayne and is terminable with or without cause at the end of any one calendar year by either party upon 120 days written notice of termination.
7. **Status of Employees:** This agreement is a services agreement to City by ACPL. All persons employed to perform services under the terms of this agreement by ACPL shall be considered employees of ACPL, which shall provide all benefits provided to any other ACPL employee in similar circumstances. ACPL shall provide workers' compensation insurance covering said employees and shall indemnify City of and from any claims arising out of the performance of services to City by said employees. Likewise City shall provide workers' compensation or other coverage covering its employees and shall indemnify ACPL of and from any claims arising out of the performance of duties relating to the government channel by said employees.
8. **Development of Access Rules and Programming Policy:** As the owner of the government channel, City shall be responsible for all access rules and programming policies. ACPL agrees to consult with City and to provide its expertise in developing such rules and policies. Recommendations for such rules and policies shall be developed by the Editorial Board who shall recommend said rules and policies for adoption by the City.
9. **Insurance and Waivers:** Subject to the limitations of any insuring agreement covering the respective parties, parties hereby mutually waive claims against the other, except such claims that may arise from the willful negligence of either of the parties.
10. **Approvals:** This agreement is subject to final approval by the common council of the City of Fort Wayne and the Board of Library Trustees of the Allen County Public Library.
11. **Governing Law:** This agreement shall be governed by the law of the State of Indiana.
12. **General Construction:** Where made necessary by the context of this agreement, the masculine includes the feminine and the neuter, and the plural includes the singular and the singular includes the plural. The captions are inserted for convenience only and shall not be deemed part of the contract language.
13. **Amendments and Modifications:** This agreement may only be amended or modified by a written agreement between the parties executed with the same formality as the existing agreement.


EXECUTED this 20 day of DECEMBER, 1995.

Allen County Public Library

**Jack Carmean, President
Board of Library Trustees**

**City of Fort Wayne, by its
Board of Public Works**


Linda Buskirk, Chairman
& Director of Public Works


C. James Owen, Member

Terrance P. McCaffrey
Terrance P. McCaffrey, Member

ATTEST:

Patricia J. Crick
Patricia Crick, Clerk of
Board of Works

APPROVED AS TO FORM AND LEGALITY:

**R. David Boyer, Associate Attorney
for City of Fort Wayne**

Read the first time in full and on motion by Henry
and duly adopted, read the second time by title and referred to the
committee on Finance (and the City Plan Commission
or recommendation) and Public Hearing to be held after due legal notice, at
the Common Council Council Conference Room 128, City-County Building, Fort
Wayne, Indiana, on _____, 19____, the _____ day of
_____, M., E.S.T. _____ at _____ o'clock

DATED: 3-26-96

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Henry
and duly adopted, placed on its passage. PASSED 10-1
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>9</u>			
BENDER	<u>✓</u>			
CRAWFORD	<u>✓</u>			
EDMONDS	<u>✓</u>			
HALL	<u>✓</u>			
HAYHURST	<u>✓</u>			
HENRY	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			

DATED: 4-9-96

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) _____ (APPROPRIATION) _____ (GENERAL)

SPECIAL) _____ (ZONING) _____ ORDINANCE _____ RESOLUTION NO. 25-96
on the 9th day of April, 1996

ATTEST:

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

(SEAL)

DD Schmidt
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 10th day of April, 1996,
at the hour of 3:00 o'clock P, M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 11th day of April,
1996, at the hour of 8:30 o'clock A M., E.S.T.

PAUL HELMKE
PAUL HELMKE, MAYOR

DIGEST SHEET

TITLE OF ORDINANCE SPECIAL ORDINANCE

DEPARTMENT REQUESTING ORDINANCE BOARD OF PUBLIC WORKS

SYNOPSIS OF ORDINANCE APPROVES PAYMENT OF \$132,792.00 TO THE ALLEN
COUNTY PUBLIC LIBRARY FOR PURCHASE OF CAPITAL EQUIPMENT FOR CHANNEL
18.

EFFECT OF PASSAGE EQUIPMENT MAY BE PURCHASED.

EFFECT OF NON-PASSAGE EQUIPMENT CANNOT BE PURCHASED

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) _____

ASSIGNED TO COMMITTEE (PRESIDENT) _____

BILL NO. S-96-03-10

REPORT OF THE COMMITTEE ON
FINANCE
THOMAS C. HENRY - JOHN N. CRAWFORD - CO-CHAIR
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) approving payment to the
Allen County Public Library for acquisition of certain capital equipment
necessary for the operation of the Fort Wayne City Government/Channel
18 and for enhancement of the public access facilities at the
Allen County Public Library in connection with the Inter-Local Agreement
for Operation and Development of Government Cable Channel between the
City of Fort Wayne and the Allen County Public Library

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

Thomas C. Henry

John N. Crawford

Thomas E. Hayhurst

Robert J. Cawley

DATED: *4-2-96*

Sandra E. Kennedy
City Clerk